UNITED STATES OF AMERICA)
)
)
)
v.) No. 3:12-00099
) JUDGE HAYNES
)
EMONNIE DION BRANCH)

DEFENDANT'S UNOPPOSED MOTION TO CONTINUE TRIAL

Defendant Emonnie Branch respectfully moves to continue his trial date and associated

filing deadlines by about three (3) months. His trial date is **August 7, 2012.** This is his first trial

setting. The reasons for the requested continuance are as follows:

1.   18 U.S.C. § 3161(h)(7)(A) provides, in pertinent part, that any period of delay

resulting from a continuance granted on the basis of a court's findings that the ends of justice

served by granting of a continuance outweigh the best interests of the public and the defendant in

a speedy trial shall be excluded in computing the time within which the trial must commence.

2.   The factors that a judge shall consider in determining whether to grant a

continuance are found at 18 U.S.C. § 3161(h)(7)(B)(iv). One such factor is whether the denial

of a continuance would deny counsel for the defendant "the reasonable time necessary for

effective preparation, taking into account the exercise of due diligence."

3.   In the present case, the interest of justice served by the granting of a continuance

outweigh the best interests of the public and the defendant in a speedy trial. Additionally, the

denial of a continuance in the present case would deny the defendant the reasonable time

necessary for effective preparation, taking into account the exercise of due diligence. Counsel has

met with Branch several times and has engaged in substantial investigation. Despite due

diligence, counsel has not had sufficient time to complete the investigation and preparation of the

defense, and counsel needs additional time to prepare for trial.

[Handwritten annotations in right margin:] Order SM / The motion is GRANTED, as the interests of justice to allow defense counsel to be prepared for trial. Counsel shall submit an Agreed Order for a November 13, 2012 trial date and pretrial deadline. All motions [illegible] 7-25-12